

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

IN RE:

DONALD ALLEN KING : CASE NO.: 16-31400-HCD
Debtor(s) :
:

CHAPTER 13

**MOTION TO COMPEL SPRINGLEAF
AND ENFORCE AGREED ORDER**

AND NOW comes the Debtor, **Donald Allen King**, by his Attorney, Fatima A. Skimin, and files the within Motion to Compel and Enforce Court Order against Springleaf Financial Services of Indiana, Inc [Hereinafter referred to as "Springleaf"]

1. Springleaf filed Proof of Claim #1 on 6/28/2016 for an amount of \$12,699.54 as a balance on three surrendered vehicles through this bankruptcy. The vehicles in question are as follows:
 - a) 1967 Ford Mustang, VIN # 7T01T283828;
 - b) 2006 Jeep Corporation-1 Liberty, VIN #1J8GL48K06W104621;
 - c) 2003 Dodge Neon SXT, VIN # 1B3ES56C13D124503;
2. Said proof of claim states a value of \$25,550.00 for all three vehicles, which serve as collateral to secure a loan extended to Debtor by Springleaf.
3. Debtor's Plan is paying 100% to all general unsecured creditors.
4. Springleaf filed a Motion for Relief from Stay (Doc. 44 of 8/5/2016) in order to repossess the three vehicles. Said Motion states that the fair market value is approximately \$5,525.00 for the Jeep; \$52,200.00 for 1967 Ford Mustang, and \$2,925.00 for a total amount of \$60,650.00.
5. The value of the 2006 Jeep Corporation -1 Liberty VIN #1J8GL48K06W104621 according to the NADA print as attached to Proof of Claim #1 and admitted in Motion for Relief both filed by Springleaf indicates an amount of \$5,525.00. See attached Exhibit A.
6. The value of the 2003 Dodge Neon SXT, VIN # 1B3ES56C13D124503 according to the NADA print as attached to Proof of Claim #1 and admitted in Motion for Relief both filed by Springleaf indicates an amount of \$2,925.00. See attached Exhibit B.
7. On 9/16/2016 an Agreed Order on the Motion for Relief from Stay was entered and states among other things as follows:

"Springleaf Financial Services of Indiana, Inc and the Trustee shall cooperate to resolve how the vehicles can best be liquidated to protect the secured interest of Springleaf and to maximize the value to the estate."
8. As instructed by the Special Order Confirming Plan, the Debtor is cooperating with the Trustee to auction the 1967 Ford Mustang. The Trustee insured the vehicle and is working on its auction.

9. Counsel for Debtor contacted Counsel for Springleaf several times via emails and telephone calls to make pick up arrangement for the 2006 Jeep Liberty and 2003 Dodge Neon from the Debtor's home or resolve the matter. Undersigned Counsel's emails and telephone calls to Springleaf's Counsel remain outstanding and unanswered.

10. Springleaf's conduct indicates that it refuses to comply with the Agreed Order which states as indicated above that "*Springleaf... shall cooperate to resolve how the vehicles can best be liquidated...and to maximize the value to the estate.*"

11. Springleaf's refusal to cooperate with Debtor's attorney for the purpose of picking up the 2006 Jeep and the 2003 Dodge Neon is undermining the benefits of the bankruptcy estate and the debtor. The two vehicles are sitting in the Debtor's backyard with no protection from snow and rains. Direct exposure to the elements and freezing temperature is presently deteriorating the vehicles, thus decreasing their value, which the bankruptcy estate and debtor is entitled to.

WHEREFORE, Debtor respectfully prays that the Court grant relief as follows:

- 1) Compel Springleaf to comply with Agreed Order of Abandonment and Lifting Stay (Doc. 64) by picking up the 2006 Jeep Liberty and 2003 Dodge Neon; or in the alternative;
- 2) Compel Springleaf to release the titles of the 2006 Jeep and the 2003 Dodge Neon to the Debtor in order for him to dispose of these vehicles.
- 3) Enforce Agreed Order entered on 9/16/2016 against Springleaf.
- 4) Award reasonable attorney fees and costs to Debtor relating to the within Motion to Compel.

Respectfully submitted,

/S/ Fatima A. Skimin
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